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SENATE

REPORT
101-312

AMENDING THE CHESAPEAKE AND OHIO CANAL DEVELOPMENT ACT TO MAKE CERTAIN CHANGES RELATING TO THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

JUNE 7 (legislative day, APRIL 18), 1990.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3545]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3545) amending the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 3545, as ordered reported, is to amend the Chesapeake and Ohio Canal Development Act to make minor changes relating to the C&O Canal National Historical Park Commission.

BACKGROUND AND NEED

In 1971, Congress established the Chesapeake and Ohio Canal National Historical Park. The park contains the 185 mile C&O Canal, beginning at Georgetown in the District of Columbia, running through Maryland and West Virginia and ending at Cumberland, Maryland.

The park's enabling legislation also created a 19-member Chesapeake and Ohio Canal National Historical Park Commission. The Commission is directed to meet periodically with the Secretary of the Interior "on general policies and specific matters related to the administration and development of the park."

Currently, the Commission terminates in 1991. This legislation extends the Commission another ten years until 2001. In addition, the bill provides that a member may continue to serve on the Com-

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mission after the expiration of his or her term until a successor is appointed.

Legislative History

H.R. 3545, introduced by Congresswoman Byron, passed the House of Representatives by a voice vote on April 24, 1990. A Senate companion measure, S. 1852, was introduced by Senators Sarbanes and Mikulski on November 8, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on both measures on May 17, 1990.

At the business meeting on May 23, 1990, the Senate Committee on Energy and Natural Resources ordered H.R. 3545 favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 3545, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Heflin [1]	
Mr. Rockefeller	
Mr. Akaka	
Mr. McClure [1]	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell [1]	

[1] Indicates voted by proxy.

Summary of H.R. 3545

H.R. 3545 amends section 6(c) of the Chesapeake and Ohio Canal Development Act to provide that a member of the C&O Canal National Historical Park Commission may continue to serve on the Commission after the expiration of his term until a successor is appointed.

The Act also amends section 6(g) of the park's enabling legislation to extend the length of the Commission from twenty to thirty years.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 24, 1990.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 3545, an act to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historical Park Commission, as ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 1990. Enactment of H.R. 3545 would result in no significant cost to the federal government and no cost to state or local governments.

H.R. 3545 would extend the life of the Chesapeake and Ohio Canal National Historical Park Commission until 2001. Under current law, the commission would expire on January 8, 1991.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

Robert D. Reischauer,
Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3545. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3545, as reported.

Executive Communications

On April 30, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3545. These reports had not been received at the time this report was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior follows:

STATEMENT OF JAMES W. STEWART, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I am pleased to appear before you today to testify on behalf of S. 1852 and H.R. 3545, which would amend the Chesapeake and Ohio Canal Development Act to change the termination date of the Chesapeake and Ohio Canal National Historical Park Commission from the date 20 years after the effective date to the date 30 years after such effective date.

Mr. Chairman, we recommend enactment of S. 1852.

The establishment of the Advisory Commission on January 8, 1971, stemmed in part from the unique nature of the Canal. It is unlike most areas administered by the National Park Service as it runs along a 185 mile stretch of river shoreline and is flanked by the Nation's Capital, suburban communities and numerous small towns.

The C & O Canal National Historical Park Commission has performed valuable service during the past 19 years in advising and assisting the National Park Service in the administration and development of the C & O Canal Park. In the early years, the Commission served as the vehicle for public meetings in the development of the general management plan for the park, and subsequently for several development concept plans for specific park sites. In the years since, the Commission has served as the public forum for discussing implementation of plans along the 185 miles of the park.

The C & O Canal National Historical Park Commission represents not only the local park neighbors but the national constituency as well. Many commission members have a life-long interest in the C & O Canal and the National Park Service. Commission members are eligible for reimbursement of actual expenses for meetings. The average annual cost is $9,000.

Because the work of managing the canal park will not end on January 8, 1991, the public involvement should not end either.

This completes my prepared comments concerning S. 1852. I will be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 3545, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JANUARY 8, 1971

(84 Stat. 1980, as amended, 16 U.S.C. 410y–4)

SEC. 6. (a) There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Commissioner of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Commissioner, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. *A member may serve after the expiration of his term until his successor has taken office.*

(d) COMPENSATION AND PAYMENT OF EXPENSES.—Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) CONSULTATION BY SECRETARY. The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) MAJORITY VOTE.—The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) TERMINATION.—The Commission shall cease to exist [twenty] *thirty* years from the effective date of this Act.

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